



STATE OF MAINE
DEPARTMENT OF CONSERVATION
MAINE LAND USE REGULATION COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE

JOHN ELIAS BALDACCIO
COMMISSIONER

04333-0022

PATRICK K. MCGOWAN
COMMISSIONER

PERMIT

SUBDIVISION PERMIT SP 4054

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by Abnaki, LLC for Subdivision Permit SP 4054, finds the following facts:

1. Applicant: Abnaki LLC.
17 Bristol Lane
North Yarmouth, Maine 04097
2. Date of Completed Application: September 22, 2004
3. Location of Proposal: Taunton & Raynham Twp, Somerset County
Part of Lots #3 and #4 on Plan 002
4. Zoning: (D-RS) Residential Development Subdistrict
5. Size of Parcel: 3.76 acres (owned)
Acreage to be Subdivided: 3.76 acres
6. Affected Waterbody: Moosehead Lake

The Commission has identified Moosehead Lake as a resource class 1A, management class 7, relatively accessible, relatively developed lake with outstanding fisheries, wildlife, scenic, botanical, cultural and physical resources.

Background Information

7. The applicant's lot is currently developed with a commercial sporting camp complex, dba as Abnaki Camps, located along the shoreline of Moosehead Lake. The complex was developed prior to the inception of the Land Use Regulation Commission with an existing dwelling, eight (8) house-keeping cottages, a garage, boat house and several outbuildings.
8. Building Permit BP 3756, issued in June of 1979, to the prior owner of Abnaki Camps, authorized approval to remove two of the house-keeping cottages, and to construct a 28 foot by 70 foot permanent dwelling and install a combined sewage disposal system. Building Permit BP 3756 also approved the division of the parent parcel into two lots, a 1.45 acre parcel to be improved with the dwelling approved in Building Permit BP 3756 and the

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remaining 3.7 acre parcel, containing Abnaki Camps. The 1.45 acre lot was recently sold in August of 2004, and the new owner initiated construction on the approved dwelling prior to the building permit's expiration date of October 1, 2004.

Amendment A Application Request to Building Permit BP 3756 is currently under review to reflect the change of ownership and Commission approval to change the dimensions of the permanent dwelling to 34 feet by 70 feet instead of 28 feet by 70 feet.

Proposal

9. The applicant has since purchased Abnaki Camps and now seeks approval to divide the existing 3.7 acre parcel into 2 lots. Whereas the transfer of the 1.45 acre lot, described in paragraph 8. above, occurred on August 10, 2004, the proposed division of the 3.7 acre parcel would now result in three lots being created within five years and requires Commission review and approval. The 1.45 acre parcel will not be part of the subdivision permit but will be counted as a lot in the total number of lots involved in the subdivision.

The 3.7 acre parcel proposed for division is currently improved with six house-keeping cottages, a garage, a boathouse and several outbuildings. Lot #1 would contain 1.7 acres and is developed with three (3) house-keeping cottages, the garage, boat house, and several sheds. Lot #2 would contain 1.47 acres and is developed with three (3) house-keeping cottages. Access to the lots would be via an existing driveway that accesses Lake Street. Both lots would have the minimum 100 feet and 200 feet of frontage along Lake Street and the shoreline of Moosehead Lake, respectively.

The applicant also proposes to renovate and modify the existing house-keeping cottages on Lots #1 and #2, such that each lot would be improved with only one residential dwelling. Specifically, the applicant proposes to reduce the number of residential dwellings on each lot by removing the internal plumbing and kitchen facilities from two of the units on each lot, thereby converting the use the structures to bunkhouses.

10. Drinking water is currently supplied by an existing drilled well and will continue to provide water to the two lots. The applicant has submitted evidence from a recent water analysis that the water is rated as satisfactory. A sufficient and healthful water supply is likely to continue to be available for Lots #1 and #2, since it is probable there will be a decrease in water usage with the change of use from sporting camps to residential development.
11. Solid waste generated by individual subdivision lot owners will be accommodated at the Rockwood Transfer Station. Disposal of liquid waste generated from septic tank usage will be the responsibility of individual lot owners.
12. The six existing house-keeping camps are served by a central wastewater disposal system and is located downslope of the six existing camps. A recent septic evaluation and soils investigation, conducted by S.W. Cole, indicated the current system appeared to be functioning.

13. On site soils investigations, submitted as part of the application, indicate that a sufficient area of suitable soils exists on each lot for the installation of individual sewage disposal systems.

Agency Review

14. The Maine State Soil Scientist reviewed the application materials and comments that he anticipates no problems with the conversion of the commercial camps to residential use. He recommends there should be a thorough evaluation of the existing septic system and that a preliminary soil evaluation be conducted to determine if there are suitable soils for individual replacement systems.
15. The Division of Health Engineering reviewed the proposal and comments that there appear to be suitable soils to meet or exceed the requirements of the SSWD rules.
16. The Planning Division of the Land Use Regulation Commission reviewed the application and recommends approval with the condition that there be only one residential dwelling per lot.

Review Criteria

17. The proposed subdivision is in conformance with Section 10.21, II.3, c(13) of the Commission's Land Use Districts and Standards, in that subdivisions are allowed use within the D-RS Residential Development Subdistrict with a permit.
18. Under provisions of section 10.25, Q, 1, c of the Commission's Land Use Districts and Standards, a parcel which, when sold was not part of a subdivision but subsequently became part of a subdivision by reason of another division by another landowner is counted a lot under the subdivision definition. The Commission, however, will not require a subdivision permit be obtained for such a lot.
19. Subdivisions must comply with the criteria of 12 M.R.S.A., section 685-B (4) of the Commission's Statutes, which state that the Commission shall approve no application unless:
 - A. adequate technical and financial provision has been made for complying with requirements of the State's air and water pollution control and other environmental laws, including minimum lot size laws, site location of development laws, and natural resource protection laws, and those standards and regulations adopted with respect thereto;
 - B. adequate provision has been made for loading, parking and circulation of land, air and water traffic, in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods;

- C. adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to assure there will be no undue adverse effect on existing uses, scenic character, and natural and historic resources in the area likely to be affected by the proposal;
 - D. adequate provision has been made to assure that the proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to absorb and hold water and suitable soils are available for a sewage disposal system if sewage is to be disposed on-site; and
 - E. the proposal is otherwise in conformance with the Commission's laws and the regulations, standards and plans, including the Commission's Comprehensive Land Use Plan, adopted pursuant thereto.
20. The facts are otherwise as represented in Subdivision Permit Application SP 4054, and supporting documents.

Based upon the above Findings, the staff concludes that:

- 1. The proposal complies with the approval criteria under the Commission's Statutes, 12 M.R.S.A. Section 685-B (4). Specifically, the Commission concludes that:
 - A. The applicant has demonstrated adequate technical and financial capacity for complying with the state's air and water pollution control laws and other applicable environmental laws. Specifically, the applicant has demonstrated technical capacity by hiring a consulting and engineering firm with expertise and a broad level of experience in site evaluation and subdivision design. The applicant has also demonstrated financial capacity by submitting corporate good standing certificates from Maine and a letter of credit from a financial institution.
 - B. The applicant has made adequate provision for fitting the proposal harmoniously into the existing natural environment in order to assure there will be no undue adverse effect on existing uses, scenic character, and natural and historic resources in the area.
 - C. The applicant has provided evidence that each of the subdivision lots contains adequate space and appropriate slope and soils for residential development.
 - D. The proposal is otherwise in conformance with the Commission's statutes and the regulations, standards and plans, including the Comprehensive Land Use Plan, adopted pursuant thereto
- 2. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, 12 M.R.S.A. Section 685-B(4) of the Commission's Statutes, in accordance with Section IV of the Concept Plan.

Therefore, the staff approves the application of Abnaki, LLC to create a 2 lot residential subdivision subject to the following conditions:

1. The Standard Conditions (ver. 10/90), a copy of which is attached.
2. The Conditions for Clearing, a copy of which is attached.
3. The Conditions for Filling and Grading, a copy of which is attached.
4. The permittee must submit, for Commission review and approval, a sample deed for the subdivision lots:
 - A. Such deed must contain the following reference to Subdivision Permit approval:

Lot # is part of a subdivision approved pursuant to Maine Land Use Regulation Commission Subdivision Permit SP 4054 which is recorded in the Somerset County Registry of Deeds. Use of this lot is subject to applicable conditions of that Subdivision Permit approval.
 - B. Such deed must also describe any restrictions to be imposed by the permittee, must incorporate the following additional restrictions:
 - (1) All structures must be set back a minimum of 100 feet from the normal high water mark of all waterbodies, 50 feet from all access roads and rights-of-way, and a minimum of 15 feet from all other property boundary lines.
 - (2) No lot shall be further reconfigured without the written approval of the Maine Land Use Regulation Commission in accordance with 12 M.R.S.A. §681 et seq. and applicable requirements of the Commission. Further division of any single lot is prohibited.
5. Deeds conveying approved lots must incorporate the language of the sample deed as approved by the Commission.
6. The permitted lots shall be used for single family residential purposes only, and shall be developed with one single family dwelling unit per lot.
7. All areas of disturbed soil must be promptly stabilized, reseeded, and maintained in a vegetated state to prevent soil erosion.
8. The permittee must submit for Commission review, approval and signature a final plat for this subdivision, which meets the Commission's specifications for subdivision plats and is acceptable for recording in the Somerset County Registry of Deeds.
9. Prior to the sale or lease of any subdivision lot, the permittee must record and cross-reference in the Somerset County Registry of Deeds this approved Subdivision Permit SP 4054, including Conditions of Approval and the subdivision plat signed by the Director of the Commission.

Upon such recording of the permit and plat, the permittee must promptly submit to the Commission a copy of the recorded plat; the book, page and file numbers for the permit and plat; and the date of such recording.

10. Prior to the sale or lease of any subdivision lot, the permittee must obtain a Certificate of Compliance from the Commission.

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variations from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Regulation Commission law. In addition, any person aggrieved by this decision of staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT AUGUSTA, MAINE, THIS 8th DAY OF NOVEMBER, 2004.

By: Catherine M. Carroll
Catherine M. Carroll, Director

STATE OF MAINE
County of Kennebec, ss,

Date: 11-8-04

Personally appeared the above named Catherine M. Carroll, in her capacity as Director of the Maine Land Use Regulation Commission, and acknowledged the foregoing to be her free act and deed in her said capacity and the free act and deed of the Maine Land Use Regulation Commission.

Before me,

Jeannine Y. Lapointe
Jeannine Y. Lapointe, Notary Public
My Commission expires September 5, 2010